

REMARKS

In the subject Office Action dated March 24, 2006, Claims 1-4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Frankson (U. S. Pat. No. 6,076,538) in view of Bellman (U. S. Pat. No. 5,209,784). The Examiner relied upon Frankson to disclose an apparatus and method for cleaning jewelry, comprising a basket to contain the jewelry where the basket includes grasping means, and exposing the basket to a cleaning liquid that differs from the claims only in the recitation of the basket having a grasping member affixed to the interior thereof. Bellman was cited for disclosing a jewelry cleaner comprising a basket, where the basket includes a grasping member (13, 18). The Examiner found that it would have been obvious to one having ordinary skill in the art to modify the basket of Frankson, to include grasping means as taught by Bellman for the purpose of preventing damage to the jewelry during the cleaning thereof.

In response thereto, Applicant has amended claims 1-2 to correct informalities, amended claim 3 to clarify the claimed features, has added new claim 5, and left claim 4 under active prosecution. Applicant respectfully asserts that all amendments are supported by the original disclosure and do not introduce new matter. Moreover, Applicant further respectfully asserts that the amendments merely clarify the scope of the claims.

Turning to independent claim 1, the claim recites a device for holding a jewelry article during cleaning, comprising: a selectably opened porous basket having an interior, a grasping member affixed to the interior of the basket; and a handle attached to the basket. As noted in the original Specification, the “tool provides the ability to see the jewelry while under a stream of high pressure steam, enabling one to direct the steam under prongs, inside channel settings, and inside rings, without the loss of gems.”

As recited above, the Examiner found it obvious to combine features of Frankson and Bellman. However, a suggestion or motivation for making this combination has not been provided to make a prima facie case of obviousness. Applicant asserts that actually both references teach away from directing a stream at a particular side of a grasped jewelry article, taking advantage of the ability to manipulate the orientation of the jewelry article with the handle while the jewelry article is held by the grasping member to prevent tumbling. Rather, both of the cited references teach washing in an automated dishwashing machine where

pressurized water is to impinge from various, uncontrolled angles. (Frankson, Col. 4 lines 24-29; Col. 5, lines 57-63. Bellman, Col. 1, lines 27-29; Col. 2, lines 61-63).

Consequently, absent such a showing, claim 1 should be allowable over the cited references. Reconsideration and allowance is respectfully requested for claim 1, as well as claim 2 that depends therefrom.

Turning to independent claim 3, the claim as amended recites a device for holding a jewelry article during cleaning comprising an enclosure means selectively opened to insert a jewelry article, a grasping means attached inside the enclosure for selectively holding a jewelry article, and a handle means for manually positioning the enclosure means at a selected orientation to a stream of high pressure steam.

For the reasons given above for claim 1, the cited references fail to teach or suggest a grasping means inside of an enclosure means and a handle means for orienting a jewelry article held by the grasping means so that a stream may be impinged upon a specific side of the jewelry article. Consequently, claim 3 should also be allowable over the prior art. Reconsideration and allowance is respectfully requested.

Turning to claim 4, the claim recites a method analogous to the apparatus claim 1. For the reasons given above for claim 1, claim 4 should be allowable over the prior art. Reconsideration of claim 4, as well as new claim 5 that depends therefrom, is respectfully requested.

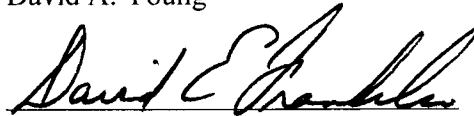
CONCLUSION

In light of the amendments and remarks made herein, it is respectfully submitted that the claims currently pending in the present application are now in form for allowance. Accordingly, reconsideration of those claims, as amended herein, is earnestly solicited. Applicant encourages the Examiner to contact his representative David Franklin at 513-651-6856 to answer any questions or concerns.

Although no fees are believed due, the Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Account No. 06-2226.

Respectfully submitted,

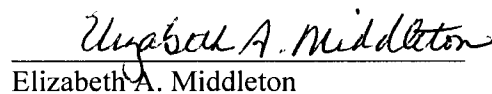
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CERTIFICATE OF MAILING

I hereby certify that a copy of this correspondence is being deposited with the U.S. Patent Office by electronic transmission, addressed to MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 15th day of June, 2006.



Elizabeth A. Middleton